

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter 7

CRAIG S. ROMANZI,

Case No. 16-43857-mbm
Hon. Marci B. McIvor

Debtor.

KENNETH NATHAN AS TRUSTEE OF
THE ESTATE OF CRAIG S. ROMANZI;

Plaintiff,

Adv. Proc. No.: 16- _____ - mbm
HON. MARCI B. McIVOR

-vs-

FIEGER & FIEGER P.C.
aka FIEGER LAW aka
FIEGER FIEGER KENNEY &
HARRINGTON P.C. and
GEOFFREY N. FIEGER;

Defendants.

B. A. TYLER (P25404)
TYLER LAW FIRM, PLLC
Attorney for Plaintiff
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Troy, MI 48084
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COMPLAINT

Kenneth A. Nathan, as Trustee of the bankruptcy estate of Craig S.

Romanzi, (“Mr. Romanzi” or “the Debtor”) by and through his attorneys, **TYLER LAW FIRM, PLLC**, for his Complaint, states:

Nature of Claim and Jurisdiction

1. This is an action to recover fees owed (to the Debtor) that are property of the estate.
2. This is a core proceeding pursuant to 28 USC § 157(b), and venue in this court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. This matter is brought pursuant to 11 U.S.C. §§ 541 and 544, various Michigan statutes, and Michigan common law.

Facts

4. On March 16, 2016, an Involuntary Chapter 7 Petition was filed against Mr. Romanzi; an order for relief was entered on March 22, 2016.
5. Plaintiff is the duly appointed Trustee of the Bankruptcy Estate of the Debtor.
6. The Debtor’s schedules of Assets and Liabilities were filed on April 5, 2016 [Dkt. 20]. These schedules list numerous creditors on schedules D and E.
7. At pertinent times hereto Mr. Romanzi was an attorney employed by the Defendant law firm (“Firm”).
8. Mr. Romanzi began employment at the Firm on or about February 12, 2014.

9. As part of Mr. Romanzi's compensation package at the firm, the Firm agreed to provide him a base salary plus one third (1/3) of the attorney fee for any cases that either came with Romanzi to the Firm when he joined it or which were direct referrals to Romanzi and/or the Firm which originated from him during his tenure with the Firm.
10. On or about March 1, 2014, Romanzi was directly contacted by a friend of the family of Cierra Thomas to set up a meeting for possible representation.
11. Immediately thereafter, Romanzi met with numerous members of Ms. Thomas' family and other wrongful death claimants to discuss the filing of a claim in what was to become the case of Cierra Thomas, et al (Thomas) v. Mohammed Yusif Alshara, Horizon Freight System, Inc. and Hapag-Lloyd (America), Inc., later filed in Wayne County Circuit Court #14-003036-NI (the "Thomas Litigation").
12. Mr. Romanzi was the attorney who brought the case into the Firm, secured the representation of Thomas and who performed extensive work on the matter until leaving the Firm.
13. On or about Feb 6, 2015, Romanzi gave notice that he was terminating his employment with the Firm and his last day was February 9, 2015.

14. The Thomas litigation was ultimately settled and the attorney fee, upon information and belief, was \$3,547,541.24.

COUNT I – BREACH OF AGREEMENT

15. Plaintiff repeats and incorporates herein paragraphs 1 through 14.
16. Plaintiff is entitled to an amount equal to one-third (1/3) of the attorney fee of \$3,547,541.24 pursuant to the terms of Mr. Romanzi's agreement with Defendants.
17. Mr. Romanzi fulfilled all conditions precedent to said agreement and requested the share of the attorney fee, but Defendants have failed and refused to pay same.
18. That Defendants breached their agreement with Mr. Romanzi and Mr. Romanzi has been damaged in the amount of the fees due but not paid by Defendants.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in an amount equal to one-third the fee recovered by Defendants, or any one of them, relating to the Thomas Litigation.

COUNT II – QUANTUM MERUIT (Alternative to Count I)

19. Plaintiff repeats and incorporates paragraphs 1 through 18.

20. As an alternative Count to Count I, Plaintiff is entitled, under the theory of quantum meruit, for the fair value of his services on the Thomas Litigation while employed by the Firm.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in the amount of the reasonable value of his services on the Thomas Litigation while employed by the Firm.

COUNT III - MISREPRESENTATION

21. Plaintiff repeats and incorporates herein paragraphs 1 through 20.
22. Defendants made material representations to Romanzi regarding sharing of attorney fees, said representations were false, and when the representations were made Geoffrey Fieger knew they were false but allowed them to be made with the intent that Romanzi would act upon them, which he did and thereby suffered damages.
23. The representations were that attorneys, such as Romanzi, that brought personal injury and wrongful death claims into the Firm would share in the attorney fee to an amount equal to at least one-third (1/3) of the total fee.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in an amount equal to one-third of the fee recovered by Defendants, or any one of them, relating to the Thomas Litigation.

COUNT IV - FRAUD

24. Plaintiff repeats and incorporates herein paragraphs 1 through 23.
25. That Defendants filed a NOTICE OF FRAUDULENT PLEADING on or about August 19, 2015 electronically signed by Geoffrey N. Fieger in the Thomas case.
26. That said pleading indicated:
1. That on August 18, 2015 Craig Romanzi filed a Notice of Claim of Lien, a fraudulent pleading with the Wayne County Circuit Court, falsely and fraudulently claiming a lien upon a case wherein he has no interest whatsoever.
 2. That the plaintiffs in this matter retained the Fieger Firm, and that Craig Romanzi has no interest whatsoever in the Fieger firm or, any recovery of attorneys fees which the Fieger Firm is entitled to.
 3. That Craig Romanzi has not a scintilla of evidence to establish any claim of lien whatsoever in this case.
27. Said pleading was false, fraudulent and made with the intent to deceive the Court and others as to Romanzi's right to a one-third (1/3) share of the attorney fee in the matter.

28. That Defendants owed Romanzi a duty to not make fraudulent and false statements but breached said duty proximately causing damages to Plaintiff.

29. That as a result of Defendants' fraudulent conduct Plaintiff is entitled to treble damages in the approximate amount of \$3,547,541.24.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in the amount of three (3) times one-third of the attorney fee recovered by Defendants, or any one of them, relating to the Thomas Litigation.

COUNT V – CONVERSION

30. Plaintiff repeats and incorporates herein paragraphs 1 through 29.

31. That as part of the retention in the Thomas case Romanzi and the outside attorney were to receive forty percent (40%) of the attorney fee.

32. That the outside attorney indicated that his portion of the attorney fee, six and two-thirds (6 2/3%), should be distributed to the Thomas' families.

33. Upon information and belief, Defendants did not, contrary to the agreement, distribute forty percent (40%) of the attorney fee to Romanzi with a deduction of six and two-thirds (6 2/3%) then distributed to the Thomas' families.

34. Defendants owed a duty to Romanzi and the Thomas' families to distribute six and two-thirds (6 2/3%) of the attorney fee to Thomas but upon information and belief did not proximately causing damage to Plaintiff.

35. That based upon said wrongful conduct by Defendants, Plaintiff is entitled to treble damages.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in the amount of three (3) times one-third of the attorney fee recovered by Defendants, or any one of them, relating to the Thomas Litigation.

COUNT VI - NEGLIGENCE

36. Plaintiff repeats and incorporates herein paragraphs 1 through 35.

37. That Defendants owed a duty to Romanzi to pay him one-third (33 1/3) of the attorney fee of \$3,547,541.24 from the Thomas matter.

38. That Defendants failed to fulfill their duty to Romanzi proximately causing damages to Plaintiff.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in an amount equal to one-third of the fee recovered by Defendants, or any one of them, relating to the Thomas Litigation.

COUNT VII – TREBLE DAMAGES

39. Plaintiff repeats and incorporates herein paragraphs 1 through 38.

40. That treble damages are due Plaintiff based upon the above wrongful conduct pursuant to common law and MCL 600.2919a.

WHEREFORE, Plaintiff requests that the Court enter judgment against the Defendants in the amount of three (3) times one-third of the attorney fee recovered by Defendants, or any one of them, relating to the Thomas Litigation.

Respectfully submitted,

TYLER LAW FIRM, PLLC



BY: /s/ _____

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July 12, 2016